

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PICTURE PATENTS, LLC,

Plaintiff,

v.

AEROPOSTALE, INC., DICK'S
SPORTING GOODS, INC., CHARLOTTE
RUSSE, INC., GSI COMMERCE
SOLUTIONS, INC., FOGDOG, INC.,
NATIONAL BASKETBALL
ASSOCIATION, NBA
PROPERTIES, INC., NBA MEDIA
VENTURES, LLC, MAJOR LEAGUE
BASEBALL PROPERTIES, INC., MLB
ADVANCED MEDIA, L.P., LINENS 'N
THINGS, INC., TWEETER HOME
ENTERTAINMENT GROUP, INC.,
TWEETER NEWCO, LLC, TWEETER
OPCO, LLC, BUY.COM, INC.

Defendants.

Civil Action No.
07CV5567 (JGK)(HP)

**MOTION TO ADMIT
NATHAN K. CUMMINGS
PRO HAC VICE**

FILED
U.S. DISTRICT COURT
2008 APR -2 AM 10:45
S.D. OF N.Y.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for
the Southern District of New York, the undersigned, William O'Brien, a member in good
standing of the bar of this Court, hereby moves for an Order admitting

Nathan K. Cummings
COOLEY GODWARD KRONISH LLP
One Freedom Square
11951 Freedom Drive
Reston, VA 20190-5656
Phone: (703) 456-8068
Fax: (703) 456-8100

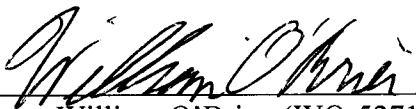
as an attorney pro hac vice to argue or try this case in whole or part as counsel to Defendants GSI

Commerce Solutions, Inc., Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties, Inc., and NBA Media Ventures, LLC in this case. Nathan Cummings is a partner in the firm of Cooley Godward Kronish LLP and a member in good standing of the Bars of the Commonwealth of Virginia and the District of Columbia. There are no pending disciplinary proceedings against Mr. Cummings in any state or federal court. I am informed that the plaintiff's counsel has been conferred with, and that plaintiff's counsel has no objection to the relief requested in this motion.

Dated: April 1, 2008

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

By: 
William O'Brien (WO-5271)

357325 v2/RE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PICTURE PATENTS, LLC,

Plaintiff,

V.

AEROPOSTALE, INC., DICK'S
SPORTING GOODS, INC., CHARLOTTE
RUSSE, INC., GSI COMMERCE
SOLUTIONS, INC., FOGDOG, INC.,
NATIONAL BASKETBALL
ASSOCIATION, NBA
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Civil Action No.
07CV5567 (JGK)(HP)

**AFFIDAVIT OF WILLIAM
O'BRIEN IN SUPPORT OF
MOTION TO ADMIT
COUNSEL PRO HAC VICE**

Defendants.

William O'Brien, being duly sworn, hereby deposes and says as follows:

1. I am a partner of Cooley Godward Kronish LLP, counsel for Defendants GSI Commerce Solutions, Inc., Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties, Inc., and NBA Media Ventures, LLC in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit Nathan Cummings as counsel pro hac vice to represent the above Defendants in this matter.

Solutions, Inc., Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc.,

Linens 'N Things, Inc., the National Basketball Association, NBA Properties, Inc., and

NBA Media Ventures, LLC in the above captioned action. I am familiar with the

proceedings in this case. I make this statement based on my personal knowledge of the

facts set forth herein and in support of Defendants' motion to admit Nathan Cummings as

counsel pro hac vice to represent the above Defendants in this matter.


2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1978. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Nathan Cummings since 2007.
4. Mr. Cummings is a partner of Cooley Godward Kronish, in Reston, Virginia.
5. Mr. Cummings is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure and with the rules of this Court.
6. As evidenced by the attached Certificates of Good Standing, Mr. Cummings is a member in good standing of the Bars of the Commonwealth of Virginia and the District of Columbia.
7. Accordingly, I am pleased to move the admission of Nathan Cummings, pro hac vice.
8. I respectfully submit a proposed order granting the admission of Nathan Cummings, pro hac vice, which is attached.

WHEREFORE it is respectfully requested that the motion to admit Nathan Cummings, pro hac vice, to represent Defendants GSI Commerce Solutions, Inc., Dick's Sporting Goods, Inc.,

Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties, Inc. and NBA Media Ventures, LLC in the above captioned matter, be granted.

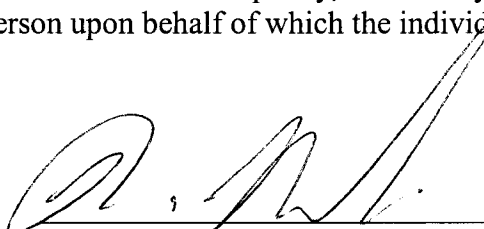
Dated: April 1, 2008

Respectfully submitted,


William O'Brien (WO-5271)

STATE OF NEW YORK **RUBEN D MORALES**
Notary Public, State of New York
) ss: No. 01MO6084632
COUNTY OF _____ Qualified in Queens County
Commission Expires December 09, 2010

On the 1 day of April, 2008 before me, the undersigned, a Notary Public in and for said State, personally appeared William O'Brien, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Supreme Court of Virginia

AT RICHMOND

Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,
do hereby certify that

NATHAN KAY CUMMINGS

was admitted to practice as an attorney and counsellor at the bar of this Court on
October 27, 1997.

I further certify that so far as the records of this office are
concerned, NATHAN KAY CUMMINGS is a member of the bar of this
Court in good standing.

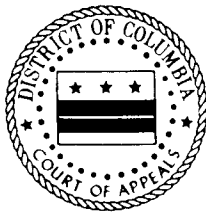
Witness my hand and seal of said Court

This 27th day of March

A.D. 2008

By: 

Deputy Clerk



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

NATHAN K. CUMMINGS

was on the 8TH day of MARCH, 1999

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on March 25, 2008.

GARLAND PINKSTON, JR., CLERK

By: *M. Chalk*
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PICTURE PATENTS, LLC,

Plaintiff,

V.

AEROPOSTALE, INC., DICK'S
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Defendants.

Civil Action No.
07CV5567 (JGK)(HP)

AFFIRMATION OF NATHAN K. CUMMINGS IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE

NATHAN K. CUMMINGS, pursuant to Title 28, United States Code, Section 1746,
hereby affirms under penalty of perjury:

1. I am a partner in the law firm of Cooley Godward Kronish LLP, 11951 Freedom Drive, Reston, VA, 20190.
2. I submit this affirmation in support of the motion for my admission to practice pro hac vice in the above-captioned case.

3. As shown in the Certificates of Good Standing attached hereto, I am a member in good standing of the Bars of the Commonwealth of Virginia and District of Columbia.

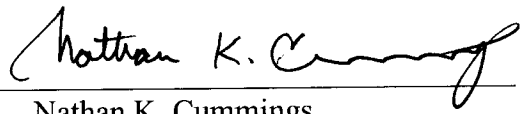
4. There are no pending disciplinary proceedings against me in any state or federal court.

5. Wherefore, I respectfully request that I be permitted to appear as counsel for Defendants GSI Commerce Solutions, Inc., Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties, Inc., and NBA Media Ventures, LLC.

Dated: March 31, 2008

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

By: 
Nathan K. Cummings

358930 v2/RE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PICTURE PATENTS, LLC,

Plaintiff,

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AEROPOSTALE, INC., DICK'S
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ENTERTAINMENT GROUP, INC.,
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OPCO, LLC, BUY.COM, INC.

Defendants.

Civil Action No.
07CV5567 (JGK)(HP)

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of William O'Brien, attorney for GSI Commerce Solutions, Inc., Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties Inc., and NBA Media Ventures, LLC, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Nathan K. Cummings
COOLEY GODWARD KRONISH LLP
One Freedom Square
11951 Freedom Drive
Reston, VA 20190-5656
Phone: (703) 456-8068
Fax: (703) 456-8100

is admitted to practice pro hac vice as counsel for Defendants GSI Commerce Solutions, Inc.,

Dick's Sporting Goods, Inc., Aeropostale, Inc., Charlotte Russe, Inc., Linens 'N Things, Inc., the National Basketball Association, NBA Properties Inc., and NBA Media Ventures, LLC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: April 1, 2008

United States District Judge

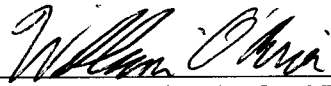
357331 v2/RE

CERTIFICATE OF SERVICE

I, William O'Brien, hereby certify that I caused a true and correct copy of the foregoing Motion to Admit Nathan K. Cummings *Pro Hac Vice*, the Affidavit of William O'Brien In Support of Motion to Admit Counsel *Pro Hac Vice* and the proposed Order for Admission to Practice *Pro Hac Vice* to be served by regular mail this 1st day of April 1, 2008 upon:

Thomas Jude Parker
Alston & Bird, LLP
90 Park Avenue
New York, New York 10016
Tel: (212) 210-9400
Fax: (212) 210-9444

Attorneys for Plaintiff
Picture Patents, LLC



William O'Brien (WO-5271)